

**ORDINANCE No. 2003-12
TOWN OF EDGEWOOD
LITTER AND ANTI-BLIGHT ORDINANCE
As amended October 15, 2008**

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ORDINANCE No. 2003-12
LITTER AND ANTI-BLIGHT ORDINANCE
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An ordinance to secure the public health, safety and welfare of the residents and property owners of the Town of Edgewood, Santa Fe County, New Mexico, by the regulation, prevention, reduction or elimination of litter, junk, trash, rubbish, refuse or debris, and other blight, blighting factors or causes of blight upon public or private property within the Town; to provide criminal penalties and civil remedies for the violation thereof.

SECTION 1: TITLE

This ordinance shall be known and may be cited as the Town of Edgewood Litter and Anti-Blight Ordinance.

SECTION 2: PURPOSE

The purpose of this ordinance is to promote and preserve the general health, safety and welfare of the residents and property owners of the Town of Edgewood by regulating and preventing, reducing or eliminating litter, junk, trash rubbish, refuse or debris, and other blight or potential blight in the township through the prevention or elimination of certain environmental causes of blight or blighting factors which exist, or which may in the future exist, in the Town.

SECTION 3: DEFINITIONS

For the purpose of enforcing the provisions of this ordinance, certain terms and words used herein shall have the following meaning:

- a) **"Building materials"** shall mean lumber, bricks, concrete, cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws, or any other materials used in constructing any structure.
- b) **"Inoperable Vehicle"** Any vehicle which, for a period of at least ~~three consecutive~~ thirty (30) days¹, the engine, wheels, tires or other parts have been removed or on which the engine, wheels, tires, or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own motor power. A vehicle that is not registered or does not display a current valid license plate and validating sticker shall be deemed inoperable. Inoperable vehicle shall include any parts of a vehicle located separately from a vehicle. A vehicle ~~shall~~ ^{may}² be deemed inoperable when it has ~~one or more flat tires or has~~³ one or more missing windshield or window, or has one or more windshield or window broken to the extent that visibility is limited so as to make driving such vehicle unsafe. An inoperable vehicle does not include any motor vehicle that is kept within a building when not in use, nor a vehicle

¹ Amended 10/15/08

² Amended 10/15/08

³ Amended 10/15/08

on the premises of a business enterprise operated in a lawful place and manner when necessary to the operation of such business enterprise. An inoperable vehicle does not include a vehicle for which a temporary sticker has been issued by the New Mexico Department of Motor Vehicles.

- c) **"Litter, junk, trash, rubbish, refuse or debris of any kind"** shall mean garbage, scrap and waste materials including metals, boxes, cartons, bottles, cans, rope, rubber, rags, plastic, paper, glass, wood, and wooden skids or pallets or parts therefrom (excluding those stored and used in connection with an industrial or commercial operation on the site), yard trimmings, cut tree branches, appliances, televisions or furniture not usable for the purpose for which they were manufactured, or any other scrap or waste material of any kind, including parts or components of any of the above.
 - i. "Litter, junk, trash, rubbish, refuse or debris of any kind" shall not include firewood stored in an orderly manner, and shall also not include domestic refuse stored for ~~fourteen (14)~~ sixty (60)⁴ or fewer days if stored in such a manner as not to become offensive by reason of odors, insects, rodents, pollution, scattering, inadequate or improperly covered containers, the lack of such containers, or the improper depositing of such material into or around such containers, or in such a manner as to otherwise create a nuisance.
- d) **"Person"** shall mean an individual, firm, corporation, or other entity of any kind.
- e) **"Public or private property"** includes, but is not limited to, the right-of-way of any road or highway, any body of water or water course, ~~or the shores or beaches thereof, and including the ice above such waters~~⁵; any park, playground, building, refuge, or conservation or recreation area; and any residential, commercial, industrial, or farm properties or vacant or unimproved lands.
- f) **"Compost Pile"** shall mean a mixture of various decaying organic substances.

SECTION 4: REGULATIONS

- 1) No person shall dump, deposit, place, throw or leave, or cause or permit the dumping, depositing, placing, throwing or leaving of litter, junk, trash, rubbish, refuse or debris; of any kind on any public or private property within the Town of Edgewood, other than property legally designated and set aside for such purposes, without the consent of the public authority having supervision of public property or the owner of private property.
- 2) No owner or occupant of any building or premises within Town of Edgewood shall permit or allow or cause the outdoor storage of litter, junk, trash, rubbish, refuse or debris of any kind except in conformance with the following provisions:
 - a) Such material does not include garbage or other putrescible liquids or solids, is screened from the view of all adjacent properties and abutting public or private rights-of-way, and is being stored only for not more than ~~14 days~~ sixty (60)⁶ or any other lesser period which would cause the same to be odoriferous or a breeding place for insects or rodents.

⁴ Amended 10/15/08

⁵ Amended 10/15/08

⁶ Amended 10/15/08

- b) Such material constitutes a compost pile, as defined in Section 3 of this Ordinance, and does not constitute a nuisance or annoyance to adjoining property owners or occupants.
 - c) Such material is located in a duly licensed and properly zoned junk yard, salvage yard, or landfill where such uses or operations are legally authorized under the Town of Edgewood Zoning Ordinance.
 - d) Such material, in the case of scrap wood, rock, brick, iron or metal material, is neatly stacked in the rear yard of an occupied premise, is in compliance with all applicable Santa Fe County fire codes and other ordinance requirements, and does not exceed 2,000 cubic feet in area.
- 3) No person shall drive or move any vehicle upon any public street or roadway unless such vehicle is so constructed, loaded and covered as to prevent its contents from dropping, sifting, leaking, or otherwise escaping from the vehicle. The registered owner of any vehicle who knowingly permits the operator of or passenger in the vehicle to use the vehicle in a manner which violates any of the provisions of this ordinance shall be deemed to be aiding, assisting, or abetting such violation.
- 4) No person shall maintain or allow to be maintained upon any property in the Town of Edgewood owned, leased, rented, occupied or possessed by such person, any of the following uses or activities which are hereby determined to be causes of blight or blighting factors which, if allowed to exist, will tend to result in blighted and undesirable neighborhoods and threaten the public health, safety and welfare:
- a) The parking, storage or accumulation of inoperable vehicles or conveyances not usable for the purposes for which they were manufactured, or parts or components thereof.
 - b) The outdoor storage or accumulation of appliances, televisions or furniture, or parts or components thereof.
 - c) The parking or storage of mobile homes not meeting the minimum standards for inhabitation by humans.
 - d) The parking, storage or accumulation of trailers or watercraft not usable for the purposes for which they were manufactured, including parts or components thereof.
 - e) The storage or accumulation of building materials outside of a completely enclosed building in any area for a period in excess of ~~fourteen (14)~~ sixty (60)⁷ days; provided that this restriction shall not apply to the following:
 - i) Usable building materials used for a legally operated business.
 - ii) Usable building materials stored on the site of property for which a valid building permit has been issued by the appropriate State building official and where said materials are intended for use in connection with such construction.
 - iii) Usable building materials neatly stored in the rear yard of an occupied premise, provided such outdoor storage is screened from the view of all adjacent properties and abutting public or private rights-of-way and complies with the applicable Santa Fe fire code and other ordinance requirements.

⁷ Amended 10/15/08

- f) Notwithstanding any of the foregoing this Ordinance shall not apply to a use or activity which is licensed or allowed by, and conducted pursuant to, the Town of Edgewood Zoning Ordinance.

SECTION 5. VARIANCE⁸

- A. The Planning & Zoning Commission may grant an individual variance whenever it is found, upon presentation of adequate proof:
- 1) That compliance with any part of the Litter & Anti-Blight Ordinance will:
 - a) Result in an arbitrary and unreasonable taking of property; or
 - b) Impose an undue economic burden upon any lawful business, occupation or activity; and
 - 2) That the granting of the variance will not result in a condition injurious to health or safety.
- B. No variance shall be granted pursuant to this section until the Planning & Zoning Commission has considered the relative interests of the applicant, other owners of property likely to be affected by the discharges and the general public.
- C. Any person seeking a variance shall do so by filing a petition for variance with the Community Planning & Development Department. The variance shall promptly be investigated and recommendation to the Planning & Zoning Commission made after sending a 15 day public notice to affected property owners within 500 feet of the surrounding property.
- D. In the hearing, the burden of proof shall be upon the petitioner.

SECTION 6. PENALTIES

Any person, firm, association, partnership, corporation or governmental entity who violates any of the provisions of this ordinance shall be deemed to be guilty of a petty misdemeanor, up to five hundred dollars (\$500.00).⁹

Notification of violation shall order the necessary correction to be made within 30 days.

~~Unless a different schedule of Municipal fines is provided for by an applicable ordinance, the fines payable to the Town upon determination of guilt shall be made pursuant to the following schedule:~~

- ~~1st violation within a 3-year period* \$50.00
2nd violation within a 3-year period* \$125.00
3rd violation within a 3-year period* \$250.00
4th violation within a 3-year period* \$400.00~~

~~*determined on the basis of the date of violation (s).~~

SECTION 7. VALIDITY

Should any section, clause or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, such holding shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

⁸ Variance section added 10/15/08

⁹ Penalties amended 10/15/08

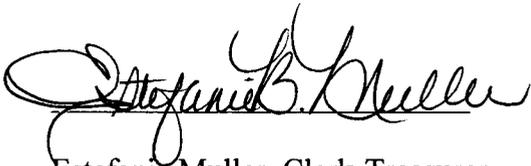
SECTION 8. EFFECTIVE DATE

Amended, Approved and Adopted by the Governing Body of the town of Edgewood,
Santa Fe County, New Mexico this 15th day of October 2008.

A handwritten signature in cursive script, appearing to read "Rob Stearley", written over a horizontal line.

Robert Stearley, Mayor

ATTEST:

A handwritten signature in cursive script, appearing to read "Estefanie B. Muller", written over a horizontal line.

Estefanie Muller, Clerk-Treasurer